

116TH CONGRESS  
2D SESSION

# S. 3335

To require the Secretary of the Army to convey certain Federal property  
in the State of Ohio to the Friends of Barker House.

---

IN THE SENATE OF THE UNITED STATES

FEBRUARY 25, 2020

Mr. PORTMAN (for himself and Mr. BROWN) introduced the following bill;  
which was read twice and referred to the Committee on Environment and  
Public Works

---

## A BILL

To require the Secretary of the Army to convey certain  
Federal property in the State of Ohio to the Friends  
of Barker House.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. JUDGE JOSEPH BARKER, JR., HOUSE, OHIO.**

4       (a) DEFINITIONS.—In this section:

5           (1) COUNTY.—The term “County” means  
6       Washington County in the State of Ohio.

7           (2) NON-FEDERAL ENTITY.—The term “non-  
8       Federal entity” means the Friends of Joseph Bark-

1       er, Jr., House, a nonprofit organization in the State  
2       of Ohio.

3                     (3) SECRETARY.—The term “Secretary” means  
4       the Secretary of the Army.

5                     (b) CONVEYANCES.—

6                     (1) IN GENERAL.—Subject to subsection (d),  
7       the Secretary shall convey to the non-Federal entity,  
8       by quitclaim deed and without monetary consider-  
9       ation, all right, title, and interest of the United  
10      States in and to the real property described in sub-  
11      section (c)(1).

12                  (2) EASEMENT.—Subject to subsection (d), the  
13      Secretary shall provide to the non-Federal entity an  
14      easement over the property described in subsection  
15      (c)(2).

16                  (c) DESCRIPTIONS OF PROPERTY.—

17                  (1) IN GENERAL.—The real property referred  
18      to in subsection (b)(1) is the following (as in exist-  
19      ence on the date of enactment of this Act):

20                     (A) JUDGE JOSEPH BARKER, JR.,  
21                     HOUSE.—A certain tract of land situate in the  
22       State of Ohio, Washington County, on the Ohio  
23       River, and being particularly bounded and de-  
24       scribed, as follows: Beginning at a point located  
25       on the southern right-of-way line of Ohio Route

1           7, a new corner to the land now or formerly  
2         owned by the United States of America; thence,  
3         leaving the right-of-way of said Route 7 and  
4         severing the land of said United States of  
5         America parallel to and approximately 10' eas-  
6         terly of the toe of the existing dredge disposal  
7         berm, Southeasterly approximately 326 feet to  
8         a point prior to the current Corps of Engineers  
9         access to the dredging spoil area; thence,  
10       Northeasterly approximately 480 feet paral-  
11       leling the top of the slope to the riverbank side  
12       of the house and approximately 25' northerly  
13       therefrom; thence, Northwest approximately  
14       302 feet to a point in the Southern Right-of-  
15       way of Ohio Route 7; thence with the right-of-  
16       way of said Route 7, Southwesterly approxi-  
17       mately 485 feet to the point of beginning, con-  
18       taining 3.51 acres, more or less.

19           (B) ROAD TRACT.—A certain tract of land  
20         situate in the State of Ohio, Washington Coun-  
21         ty, on the Ohio River, and being particularly  
22         bounded and described, as follows: Beginning at  
23         a point located on the southern right-of-way  
24         line of Ohio Route 7, a new corner to the land  
25         now or formerly owned by the United States of

1           America; thence, leaving the right-of-way of  
2        said Route 7 and severing the land of said  
3        United States of America and with the House  
4        Parcel Southeasterly 25 feet; thence, Northeast,  
5        running parallel to said Route 7 right-of-way,  
6        approximately 994 feet to a point of deflection;  
7        thence northeasterly 368 feet to a point beyond  
8        the existing fence corner; thence, east 140 feet  
9        to the edge of the existing Willow Island access  
10      road; thence with said access road, Northwest-  
11     erly approximately 62 feet to a point in the  
12     Southern Right-of-way of Ohio Route 7; thence  
13     with the right-of-way of said Route 7, South-  
14     westerly approximately 1491 feet to the point of  
15     beginning, containing 1 acre, more or less.

16           (2) EASEMENT.—A certain tract of land situate  
17        in the State of Ohio, Washington County, on the  
18        Ohio River, and being particularly bounded and de-  
19        scribed, as follows: Beginning at a point at the inter-  
20        section of the southern right-of-way of Ohio Route  
21        7 and the northeast side of the existing Willow Is-  
22        land access road, a new corner to the land now or  
23        formerly owned by the United States of America;  
24        thence, southwest, running with said Route 7 right-  
25        of-way, approximately 30 feet to a point on the

1        southwest side of the existing access road, and cor-  
2        ner to the road tract; thence with said access road  
3        and the line of the road parcel, Southeasterly ap-  
4        proximately 62 feet to a point; thence leaving the  
5        road parcel and crossing the existing access road  
6        Northeasterly approximately 30 feet to a point lo-  
7        cated on the Northeast side of the existing access  
8        road; thence, northwesterly approximately 62 feet, to  
9        the point of beginning, containing 0.04 acre, more or  
10      less.

11      (d) REQUIREMENTS.—

12                  (1) IN GENERAL.—The Secretary, in consulta-  
13      tion with the non-Federal entity and relevant stake-  
14      holders, shall make such improvements and alter-  
15      ations to the property described in subsection  
16      (c)(1)(A) as the Secretary, in consultation with the  
17      non-Federal entity, determines to be appropriate to  
18      facilitate conveyance of the property under this sec-  
19      tion, including carrying out subparagraphs (A) and  
20      (B) of paragraph (2), subject to the condition that  
21      the total cost of those improvements and alterations  
22      shall be not more than \$90,000.

23                  (2) SURVEYS; STUDY.—

24                  (A) SURVEYS.—The exact acreage and  
25      legal descriptions of the property conveyed

1       under this section shall be determined by 1 or  
2       more surveys that are satisfactory to the Sec-  
3       retary.

4                     (B) STUDY; REPORT.—Before providing a  
5       conveyance or easement under this section, the  
6       Secretary shall—

7                             (i) conduct, with respect to the prop-  
8       erty conveyed under this section, an envi-  
9       ronmental condition of the property report,  
10      including an investigation of any potential  
11      hazardous, toxic, and radioactive waste;  
12      and

13                             (ii) submit to the non-Federal entity a  
14      report describing the results of the study  
15      under clause (i).

16                     (C) REMEDIATION.—Before transferring  
17      any property to the non-Federal entity under  
18      this section, the Secretary shall comply with the  
19      applicable requirements of section 120(h) of the  
20      Comprehensive Environmental Response, Com-  
21      pensation, and Liability Act of 1980 (42 U.S.C.  
22      9620(h)).

23                     (D) REFUSAL BY NON-FEDERAL ENTITY.—  
24                             (i) IN GENERAL.—On completion and  
25      review by the non-Federal entity of the

1                   study under subparagraph (B), the non-  
2                   Federal entity may elect to refuse any con-  
3                   veyance or easement under paragraph (1)  
4                   or (2) of subsection (b), respectively.

5                   (ii) TREATMENT.—An election under  
6                   clause (i)—

7                         (I) shall be at the sole discretion  
8                         of the non-Federal entity;

9                         (II) may be based on disapproval  
10                       by the non-Federal entity of the envi-  
11                       ronmental condition of a tract to be  
12                       conveyed or subject to an easement;  
13                       and

14                         (III) shall be made by the non-  
15                       Federal entity by not later than the  
16                       date that is 30 days after the date of  
17                       submission of the report under sub-  
18                       paragraph (B)(ii).

19                   (3) RESERVATION OF RIGHTS.—The Secretary  
20                   may reserve and retain from any conveyance under  
21                   this section a right-of-way or any other right as the  
22                   Secretary determines to be necessary for the oper-  
23                   ation and maintenance of the authorized Federal  
24                   channel along the Ohio River.

(B) in carrying out a dredged material placement activity under subparagraph (A), act in accordance with Engineer Manual EM 1110-2-5025 (or a subsequent version of that manual).

13       (e) TREATMENT.—Completion of the conveyances  
14 under this section shall satisfy all obligations of the Sec-  
15 retary with respect to the property described in subsection  
16 (c)(1)(A) under—

17                   (1) section 306101 of title 54, United States  
18 Code; and

23 (f) CONSIDERATION.—As consideration for the con-  
24 veyance and easement provided by this section, the non-  
25 Federal entity shall hold the United States harmless from

1 any liability with respect to any activity carried out by  
2 a Federal officer or employee within the scope of the du-  
3 ties of the officer or employee on the applicable property  
4 on or after the effective date of the conveyance or ease-  
5 ment.

6 (g) INAPPLICABILITY.—The following shall not apply  
7 to any conveyance or easement provided under this sec-  
8 tion:

9 (1) Section 2696 of title 10, United States  
10 Code.

11 (2) Subtitle I of title 40, and chapter 4 of title  
12 41, United States Code (formerly known as the  
13 “Federal Property and Administrative Services Act  
14 of 1949”).

15 (3) The National Environmental Policy Act of  
16 1969 (42 U.S.C. 4321 et seq.).

17 (4) Division A of subtitle III of title 54, United  
18 States Code (formerly known as the “National His-  
19 toric Preservation Act”).

○